IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (LDG.) NO. 416 OF 2006.
IN
NOTICE OF MOTION NO. OF 2006
IN
SUIT (LDG.) NO. 1389 OF 2006

Prakash M.Davda. ... Appellant.
Versus.
Hiralaksmi P.Shah ... Respondent.

Shri A.Y.Sakhare, Senior Advocate with Ms.Archana Khan for the Appellant.

Shri Haresh Jagtiani, Senior Advocate with Shri Satish Shah and Hitesh Dabhi for the Respondent.

CORAM : KSHITIJ R.VYAS, C.J., &
ABHAY S.OKA, J.

DATE : 20th June, 2006.

P.C.:

1. This appeal is directed against the order dated 10th May 2006 passed by the learned Single Judge in the Notice of Motion whereby the learned Single Judge without assigning any reason granted ad-interim injunction in terms of prayer clause (a)(i), (ii), (iii), and (iv). Not only that the learned single Judge refused to grant stay to the ad-interim relief granted in favour of the plaintiff.

2. At the time of hearing, the learned Counsel for the Respondent pointed out ground (i) in the memo of appeal and raised objection about the same. However, the learned Counsel appearing for the Appellant sought permission to delete the said ground and expressed regret for the same. Permission granted.

3. As stated above, the impugned order passed by the learned single Judge does not record reasons for granting drastic relief at ad-interim stage. Prayer clause (a)(ii) may have the effect of allowing the suit itself. Such an order cannot be allowed to operate till the notice of motion is finally heard and decided. Till that time, the parties will have to maintain status-quo as of today. The learned Counsel appearing for the Appellant stated that he has also taken out a fresh notice of motion seeking certain relief on the basis of subsequent event.

4. In the circumstances, we direct the learned single Judge to hear both the notice of motions finally and decide the same expeditiously without being influenced by the impugned order dated 10th May 2006. Till hearing and final disposal of the notice of motions, the parties are directed to maintain status-quo as of today.

5. With the above direction, the Appeal is disposed of without entering into the merit of the matter.

CHIEF JUSTICE

ABHAY S.OKA, J.